IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
Christopher L. Rudich and Elizabeth S. Rudich,))	Case No. 16-20524 CMB Chapter 13
Debtors))	Docket No.
Christopher L. Rudich and Elizabeth S. Rudich,)	
Movants)	
VS.)	
Ronda J. Winnecour, Chapter 13 Trustee,)	
Respondents)	

NOTICE OF PROPOSED MODIFICATION TO CONFIRMED CHAPTER 13 PLAN DATED June 6, 2019

- Pursuant to 11 U.S.C. Section 1329, the debtors have filed an Amended Chapter
 13 Plan dated May 13, 2020 that is attached hereto. Pursuant to the Amended
 Chapter 13 Plan, the debtors seek to modify the confirmed Plan in the following particulars:
 - a. The Chapter 13 Plan will increase to \$2,073.00 effective May 2020.
 - Debtors' counsel has increased her fees to \$5,890.00 to be paid under the Chapter 13 Plan.
- 2. The proposed modification to the confirmed Plan will impact the treatment of the claims of the following creditors in the following particulars:
 - a. Not Applicable.

- 3. The debtor submits that the reasons for the modification are as follows:
 - a. The Chapter 13 Plan payment increased to include the attorney's fees approved by the Court.
 - Debtor's counsel increased her fees to be paid under the Chapter 13 Plan as approved by the Order Granting Application for Compensation dated April 29, 2020.

The debtors submit that the requested modification is being proposed in good faith and not for any means prohibited by applicable law. The debtors further submit that the proposed modification complies with 11 U.S.C. Sections 1322(a), 1322(b), 1325(a) and 1329 and, except as set forth above, there are no other modification being sought by way of this Amended Chapter 13 Plan.

WHEREFORE, the debtors respectfully request that this Court enter an Order confirming the Amended Chapter 13 Plan and for such other relief the Court deems equitable and just.

Respectfully submitted,

May 13, 2020 DATE /s/Lauren M. Lamb_

Lauren M. Lamb, Esquire Attorney for the Debtors STEIDL & STEINBERG Suite 2830 – Gulf Tower 707 Grant Street Pittsburgh, PA 15219 (412) 391-8000 PA I. D. No. 209201 Fax No. (412) 391-0221 llamb@steidl-steinberg.com Case 16-20524-CMB Doc 96 Filed 05/13/20 Entered 05/13/20 20:04:06 Desc Main Document Page 3 of 12

Fill in this info	ormation to identify	y your case:					
Debtor 1	Christopher	L.	Rudich		Check if this	is an a	mended
Debtor 2	Elizabeth	Middle Name	Last Name Rudich		plan, and list sections of th been change	ie plan	
(Spouse, if filing)	First Name	Middle Name	Last Name		2.1, 4.3	<u></u>	
Jnited States Ba	nkruptcy Court for the	Western District of	Pennsylvania				
Case number (if known)	16-20524 CME	}					
Vestern I	District of P	ennsylva	nia				
	' 13 Plan l	•					
Part 1: Not	ices						
To Debtors:	indicate that the	option is app	ropriate in your circ	e in some cases, but the prese cumstances. Plans that do n lan control unless otherwise c	ot comply with loc	cal rule	
	In the following no	otice to creditors	, you must check each	box that applies.			
o Creditors:	YOUR RIGHTS M	IAY BE AFFEC	TED BY THIS PLAN.	YOUR CLAIM MAY BE REDUC	CED, MODIFIED, OF	? ELIMI	NATED.
	You should read t attorney, you may	•	,	our attorney if you have one in t	his bankruptcy case	. If you	do not have
	ATTORNEY MUS THE CONFIRMA PLAN WITHOUT	ST FILE AN OE TION HEARING FURTHER NO	BJECTION TO CONFI G, UNLESS OTHERV TICE IF NO OBJECTI	YOUR CLAIM OR ANY PROV RMATION AT LEAST SEVEN VISE ORDERED BY THE COU ON TO CONFIRMATION IS FIL OF OF CLAIM IN ORDER TO E	(7) DAYS BEFORE IRT. THE COURT .ED. SEE BANKRU	THE D MAY C IPTCY I	OATE SET FO CONFIRM TH RULE 3015.
	includes each o	f the following		Debtor(s) must check one bo ded" box is unchecked or bo n.			
payment				3, which may result in a partia te action will be required to		•	Not Include
			ory, nonpurchase-mo	ney security interest, set out i limit)	in _ Included	•	Not Include
3 Nonstanda	rd provisions, set	out in Part 9			○ Included	•	Not Include
art 2: Pla	n Payments and	Length of Pla	ın				
	-						
Debtor(s) will	make regular payn	nents to the tru	stee:				
Total amount of follows:	of \$ <u>2,073.00</u>	_ per month fo	r a remaining plan tei	rm of 9 months shall be pa	aid to the trustee fro	om futu	re earnings
Payments	By Income Attach	ment Directly	by Debtor	By Automated Bank Transfel	r		
D#1	\$2,073.00)	\$0.00	\$0.00			
D#2	\$0.00		\$0.00	\$0.00			
(Income attach	ments must be used	d by debtors bay	ving attachable income	(SSA direct deposit recipie	ents only)		

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2.2	Additional payments:			3					
	Unpaid Filing Fees. The balance of § available funds.	S	shall	be fully paid by	the Trust	ee to the C	Clerk of t	he Bankruptcy C	ourt from the first
	Check one.								
	None. If "None" is checked, the rest of	of Section 2.2	need not be	e completed or i	reproduce	d.			
	The debtor(s) will make additional amount, and date of each anticipated		the truste	e from other s	ources, a	s specified	below.	Describe the so	ource, estimated
2.3	The total amount to be paid into the plus any additional sources of plan fur				y the trus	tee based	on the	total amount o	f plan payments
Par	t 3: Treatment of Secured Claim	s							
3.1	Maintenance of payments and cure of c	lefault, if any,	on Long-	Term Continuii	ng Debts.				
	Check one.								
	None. If "None" is checked, the rest of	of Section 3.1	need not be	e completed or i	reproduced	d.			
	The debtor(s) will maintain the currer the applicable contract and noticed in arrearage on a listed claim will be produced as to any item of collateral lists as to that collateral will cease, and all	conformity wi aid in full thro sted in this par	th any app ugh disbur agraph, th	licable rules. T sements by the en, unless othe	hese payr trustee, v rwise orde	nents will by the contract without intended by the	e disbu erest. If court, a	rsed by the trust relief from the a Il payments unde	ee. Any existing automatic stay is
	Name of creditor	Collateral			ins pa	rrent tallment yment cluding esc	a a	mount of rrearage (if ny)	Start date (MM/YYYY)
	JPMorgan Chase Bank; Acct ending in 6988	190 Washi	ngton Stree	et Baden, PA 15	5005	\$661.18	3	\$666.12	
	First National Bank of Pennsylvania; Acct. ending in 937	190 Washi	ngton Stree	et Baden, PA 15	5005	\$96.00		\$111.46	
	Credit Acceptance	2015 Chev	rolet Cruze	•		\$321.90)	\$0.00	
	Insert additional claims as needed.								
3.2	Request for valuation of security, paym	ent of fully se	ecured cla	ims, and modif	fication of	undersec	ured cla	aims.	
	Check one.	-							
	None. If "None" is checked, the rest of	of Section 3.2	need not be	e completed or i	reproduced	d.			
	The remainder of this paragraph wi	II be effective	only if the	e applicable bo	x in Part	of this p	lan is ch	necked.	
	The debtor(s) will request, <i>by filing a</i> below.	separate adv	ersary pro	ceeding , that th	ne court de	termine th	e value	of the secured cl	aims listed
	For each secured claim listed below, the Amount of secured claim. For each listed	` '							
	The portion of any allowed claim that exceamount of a creditor's secured claim is li unsecured claim under Part 5 (provided the	sted below as	having no	value, the cre	ditor's allo	wed claim	will be	treated in its en	
	Name of creditor Estimated amo of creditor's to claim (See Par below)	tal	lateral	Value of collateral	Amount claims so to credite claim	enior sec		rate pa	onthly syment to editor
	The Huntington National Bank; Acct. \$2,449.	14	4 Hyundai nta Fe	\$1,660.00	\$0.0	0 \$2	2,449.14	6%	\$188.00

ending in 2503

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2012

Peritus Portfolio Services II, LLC;

\$6,945.58

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Acct. ending in 5421

Chevrolet \$6,947.00 Sonic

\$0.00

\$6,945.58

5.74%

\$259.40

Insert additional claims as needed.

Debtor(\$\time{\aspec}aspects\frac{1.66h220524H66.MBabetDs@\G6h Filed 05/13/20 Entered 05/13/20020:04:0616-2004scMain Page 6 of 12 Document 3.3 Secured claims excluded from 11 U.S.C. § 506. Check one. None. If "None" is checked, the rest of Section 3.3 need not be completed or reproduced. The claims listed below were either: (1) Incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for personal use of the debtor(s), or (2) Incurred within one (1) year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee. Name of creditor Collateral Amount of claim Interest Monthly payment to creditor rate \$0.00 0% \$0.00 Insert additional claims as needed. 3.4 Lien Avoidance. Check one. None. If "None" is checked, the rest of Section 3.4 need not be completed or reproduced. The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked. The judicial liens or nonpossessory, nonpurchase-money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). The debtor(s) will request, by filing a separate motion, that the court order the avoidance of a judicial lien or security interest securing a claim listed below to the extent that it impairs such exemptions. The amount of any judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien. Name of creditor Collateral **Modified principal** Interest Monthly payment balance* rate or pro rata \$0.00 0% \$0.00 Insert additional claims as needed. *If the lien will be wholly avoided, insert \$0 for Modified principal balance.

3.5 Surrender of Collateral.

Check one.

None. If "None" is checked, the rest of Section 3.5 need not be completed or reproduced.

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5.

Name of creditor Collateral

Insert additional claims as needed

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3.6 Secured tax claims.

Name of taxing authority	Total amount of claim	Type of tax	Interest rate*	Identifying number(s) if collateral is real estate	Tax periods
	\$0.00	· <u> </u>	0%		

Insert additional claims as needed.

* The secured tax claims of the Internal Revenue Service, Commonwealth of Pennsylvania, and any other tax claimants shall bear interest at the statutory rate in effect as of the date of confirmation.

Part 4:	
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Treatment of Fees and Priority Claims

4.1 General.

Trustee's fees and all allowed priority claims, including Domestic Support Obligations other than those treated in Section 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case. The trustee shall compute the trustee's percentage fees and publish the prevailing rates on the court's website for the prior five years. It is incumbent upon the debtor(s)' attorney or debtor (if *pro se*) and the trustee to monitor any change in the percentage fees to insure that the plan is adequately funded.

4.3 Attorney's fees.

Attorney's fees are payable to Steidl & Steinberg, P.C In ac	ddition to a retainer of $\$1,100.00$ (of which $\$500.00$ was
payment to reimburse costs advanced and/or a no-look costs deposit) alrea	dy paid by or on behalf of the debtor, the amount of \$3,400.00 i
to be paid at the rate of \$200.00 per month. Including any retainer pa	id, a total of \$2,490.00 in fees and costs reimbursement has been
approved by the court to date, based on a combination of the no-look	fee and costs deposit and previously approved application(s) for
compensation above the no-look fee. An additional \$ will be	sought through a fee application to be filed and approved before an
additional amount will be paid through the plan, and this plan contains suf	ficient funding to pay that additional amount, without diminishing the
amounts required to be paid under this plan to holders of allowed unsecured	claims.
Check here if a no-look fee in the amount provided for in Local Bankrupt	cv Rule 9020-7(c) is being requested for services rendered to the

debtor(s) through participation in the bankruptcy court's Loss Mitigation Program (do not include the no-look fee in the total amount of

4.4 Priority claims not treated elsewhere in Part 4.

compensation requested, above).

None. If "None" is checked, the rest of Section 4.4 need not be completed or reproduced.

Name of creditor	Total amount of claim	Interest rate (0% if blank)	Statute providing priority status
	\$0.00	0%	

Insert additional claims as needed.

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4.5	Priority	/ Domestic	Support	Obligations	not assigned	l or owed	to a	governmental unit.
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	If the debtor(s) is/are currently paying Domest debtor(s) expressly agrees to continue paying ar				
	Check here if this payment is for prepetition	arrearages only.			
	Name of creditor (specify the actual payee, e.g SCDU)	. PA Description	Cla	aim	Monthly payment or pro rata
				\$0.00	\$0.00
	Insert additional claims as needed.				
.6	Domestic Support Obligations assigned or or Check one.	wed to a governmental เ	unit and paid less than fu	ıll amount.	
	None. If "None" is checked, the rest of Sec	tion 4.6 need not be com	pleted or reproduced.		
	The allowed priority claims listed below a governmental unit and will be paid less th payments in Section 2.1 be for a term of 60	an the full amount of th	e claim under 11 U.S.C.		
	Name of creditor		Amount of claim to be	paid	
				\$0.00	
	Insert additional claims as needed.		_		
l.7	Priority unsecured tax claims paid in full.				
	Name of taxing authority	Total amount of claim	Type of tax	Interest rate (0% if blank)	Tax periods
	Internal Revenue Service	\$816.78	Income	0%	2012
	Insert additional claims as needed.				

Part 5:

Treatment of Nonpriority Unsecured Claims

5.1	Nonpriority	unsecured	claims not	separately	classified.
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Debtor(s) ESTIMATE(S) that a total of \$41,072.86 will be available for distribution to nonpriority unsecured creditors.

Debtor(s) **ACKNOWLEDGE(S)** that a **MINIMUM** of \$41,072.86 shall be paid to nonpriority unsecured creditors to comply with the liquidation alternative test for confirmation set forth in 11 U.S.C. § 1325(a)(4).

The total pool of funds estimated above is **NOT** the **MAXIMUM** amount payable to this class of creditors. Instead, the actual pool of funds available for payment to these creditors under the plan base will be determined only after audit of the plan at time of completion. The estimated percentage of payment to general unsecured creditors is 49 ______%. The percentage of payment may change, based upon the total amount of allowed claims. Late-filed claims will not be paid unless all timely filed claims have been paid in full. Thereafter, all late-filed claims will be paid pro-rata unless an objection has been filed within thirty (30) days of filing the claim. Creditors not specifically identified elsewhere in this plan are included in this class.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

5.2 need not be complete	ed or reproduced.		
an payment. These pay	ments will be disbursed by		
	Amount of arrearage to be paid on the claim	Estimated total payments by trustee	Payment beginning date (MM/ YYYY)
	Ilment payments and cu an payment. These pay	an payment. These payments will be disbursed by disbursed by the trustee. Current installment Amount of arrearage	Illment payments and cure any default in payments on the unsecured claims an payment. These payments will be disbursed by the trustee. The claim for disbursed by the trustee. Current installment Amount of arrearage to be paid on the claim payments

\$0.00

Insert additional claims as needed.

5.3 Postpetition utility monthly payments.

The provisions of Section 5.3 are available only if the utility provider has agreed to this treatment. These payments comprise a single monthly combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change for the life of the plan. Should the utility obtain a court order authorizing a payment change, the debtor(s) will be required to file an amended plan. These payments may not resolve all of the postpetition claims of the utility. The utility may require additional funds from the debtor(s) after discharge.

\$0.00

\$0.00

Name of creditor	Monthly payment	Postpetition account number
	\$0.00	

Insert additional claims as needed.

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5.4	Other separately classified nonpriority unsecured claims.							
	Check one.							
	None. If "None" is checked, the rest of Section 5.4 need not be completed or reproduced.							
	The allowed nonpriority unsecured claims listed below are separately classified and will be treated as follows:							
	ame of creditor Basis for separate clas treatment		ssification and	Amount of arrearag	rate pa	timated total yments trustee		
				\$0.00	0%	\$0.00		
	Insert additional claims as need	ded.		_				
Par	t 6: Executory Contrac	ts and Unexpired Leases						
6.1	The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one. None. If "None" is checked, the rest of Section 6.1 need not be completed or reproduced. Assumed items. Current installment payments will be disbursed by the trustee. Arrearage payments will be disbursed by the trustee.							
	Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee	Payment beginning date (MM/ YYYY)		
			\$0.00	\$0.00	\$0.00			
	Insert additional claims as needed.							
Par	t 7: Vesting of Property	y of the Estate						
		•						

7.1 Property of the estate shall not re-vest in the debtor(s) until the debtor(s) have completed all payments under the confirmed plan.

Part 8: General Principles Applicable to All Chapter 13 Plans

- 8.1 This is the voluntary chapter 13 reorganization plan of the debtor(s). The debtor(s) understand and agree(s) that the chapter 13 plan may be extended as necessary by the trustee (up to any period permitted by applicable law) to insure that the goals of the plan have been achieved. Notwithstanding any statement by the trustee's office concerning amounts needed to fund a plan, the adequacy of plan funding in order to meet the plan goals remains the sole responsibility of debtor(s) and debtor(s)' attorney. It shall be the responsibility of the debtor(s) and debtor(s)' attorney to monitor the plan to ensure that the plan remains adequately funded during its entire term.
- 8.2 Prior to the meeting of creditors, the debtor(s) shall comply with the tax return filing requirements of 11 U.S.C § 1308 and provide the trustee with documentation of such compliance by the time of the meeting. Debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the calculations relied upon to determine the debtor(s)' current monthly income and disposable income.
- 8.3 The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.

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- 8.4 Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.
- **8.5** Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:

Level One: Unpaid filing fees.

Level Two: Secured claims and lease payments entitled to 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection payments.

Level Three: Monthly ongoing mortgage payments, ongoing vehicle and lease payments, installments on professional fees, and

postpetition utility claims.

Level Four: Priority Domestic Support Obligations.

Level Five: Mortgage arrears, secured taxes, rental arrears, vehicle payment arrears.

Level Six: All remaining secured, priority and specially classified claims, and miscellaneous secured arrears.

Level Seven: Allowed nonpriority unsecured claims.

Level Eight: Untimely filed nonpriority unsecured claims for which an objection has not been filed.

- 8.6 As a condition to the debtor(s)' eligibility to receive a discharge upon successful completion of the plan, debtor(s)' attorney or debtor(s) (if pro se) shall file Local Bankruptcy Form 24 (Debtor's Certification of Discharge Eligibility) with the court within forty-five (45) days after making the final plan payment.
- 8.7 The provisions for payment to secured, priority, and specially classified unsecured creditors in this plan shall constitute claims in accordance with Bankruptcy Rule 3004. Proofs of claim by the trustee will not be required. In the absence of a contrary timely filed proof of claim, the amounts stated in the plan for each claim are controlling. The clerk shall be entitled to rely on the accuracy of the information contained in this plan with regard to each claim. Unless otherwise ordered by the court, if a secured, priority, or specially classified creditor timely files its own claim, then the creditor's claim shall govern, provided the debtor(s) and debtor(s)' attorney have been given notice and an opportunity to object. The trustee is authorized, without prior notice, to pay claims exceeding the amount provided in the plan by not more than \$250.
- 8.8 Any creditor whose secured claim is not modified by this plan and subsequent order of court shall retain its lien.
- 8.9 Any creditor whose secured claim is modified or whose lien is reduced by the plan shall retain its lien until the underlying debt is discharged under 11 U.S.C. § 1328 or until it has been paid the full amount to which it is entitled under applicable nonbankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and entry of a discharge order, the modified lien will terminate and be released. The creditor shall promptly cause all mortgages, liens, and security interests encumbering the collateral to be satisfied, discharged, and released.
- 8.10 The provisions of Sections 8.8 and 8.9 will also apply to allowed secured, priority, and specially classified unsecured claims filed after the bar date. LATE-FILED CLAIMS NOT PROPERLY SERVED ON THE TRUSTEE AND THE DEBTOR(S)' ATTORNEY OR DEBTOR(S) (IF PRO SE) WILL NOT BE PAID. The responsibility for reviewing the claims and objecting where appropriate is placed upon the debtor(s).

Part 9: Nonstandard Plan Provisions

9.1 Check "None" or List Nonstandard Plan Provisions.

None. If "None" is checked, the rest of part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if the applicable box in Part 1 is checked. Any provision set forth herein is subject to court approval after notice and a hearing upon the filing of an appropriate motion.

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Part 10: Signatures

10.1 Signatures of Debtor(s) and Debtor(s)' Attorney.

If the debtor(s) do not have an attorney, the debtor(s) must sign below; otherwise the debtor(s)' signatures are optional. The attorney for the debtor(s), if any, must sign below.

By signing this plan the undersigned, as debtor(s)' attorney or the debtor(s) (if pro se), certify(ies) that I/we have reviewed any prior confirmed plan(s), order(s) confirming prior plan(s), proofs of claim filed with the court by creditors, and any orders of court affecting the amount(s) or treatment of any creditor claims, and except as modified herein, this proposed plan conforms to and is consistent with all such prior plans, orders, and claims. False certifications shall subject the signatories to sanctions under Bankruptcy Rule 9011.

By filing this document, debtor(s)' attorney or debtor(s) (if pro se), also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in the standard chapter 13 plan form adopted for use by the United States Bankruptcy Court for the Western District of Pennsylvania, other than any nonstandard provisions included in Part 9. It is further acknowledged that any deviation from the standard plan form shall not become operative unless it is specifically identified as a "nonstandard" term and is approved by the court in a separate order.

X	X			
Signature of Debtor 1	Signature of Debtor 2			
Executed on	Executed on			
MM/DD/YYYY	MM/DD/YYYY			
X/s/Lauren M. Lamb	DateMay 13, 2020			
Signature of debtor(s)' attorney	MM/DD/YYYY			

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